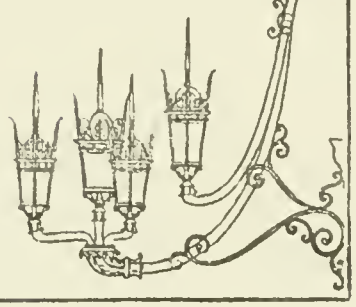

ZONING PLAN FOR WASHINGTON PARK AREA

Boston Redevelopment Authority
Planning Department
April 1966

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DISCUSSION OF THE ZONING PLAN

Purpose of this Report

This report describes comprehensive zoning changes to further redevelopment of the Washington Park area. This part of Roxbury grew rapidly during the "street car-suburbs" period of the late 19th century. It still has suburban features: topography of the area rises from the Dudley Circle commercial center to Franklin Park, where there is a panoramic view of downtown Boston. There are outcrops of Roxbury pudding stone to the delight of neighborhood children. Especially in the western part of the area, dwellings are far apart along tree-lined streets. Yet, the area has two subway stops. Residents are only a few minutes by subway from downtown Boston.

One of the main goals of the urban renewal plan adopted for the Washington Park area in 1963 is "to provide a more wholesome framework of environmental conditions better suited to meet the requirements of contemporary living." Many of the dwellings in the eastern part of the project area were dilapidated and needed replacement. Owners of many other dwellings could benefit from the comprehensive rehabilitation assistance now being offerred them. Obsolete commercial outlets without parking clogged major streets in the area before redevelopment. Most important, more space was needed for new public schools and additions to park land.

Washington Park is now a showpiece urban renewal project because it is the first of the Boston neighborhoods to be modernized. It is the first neighborhood in Boston where new schools, new recreational facilities, expanded public services, convenient and attractive retail opportunities, and moderate-income housing are being provided in combination with a major conservation and rehabilitation effort. This 502-acre project involves the rehabilitation of 6500 dwelling units, over 1500 new units of low- and moderate-income housing, three new elementary schools, new recreation facilities, a new YMCA; a new civic center combining municipal field offices, new police station, new court house, new branch library and the new Roxbury Boys' Club; new community and neighborhood shopping areas; traffic improvements including new sidewalks, street widening and repaving and street lights, and new churches.

People living in the project area have participated in this far-reaching modernization program through neighborhood organizations which review and comment on redevelopment plans, through rehabilitation undertaken by homeowners and through the construction of new housing by churches in the area, acting through redevelopment corporations.

Investment in Washington Park redevelopment will total about 16.5 million dollars by the Federal government, 4.3 million by the Commonwealth, 5.3 million by the City and 2.5 million by private investors.

Objectives of the Zoning Plan

The present zoning map and regulations in the Washington Park project area, although they went into effect in the beginning of 1965, were actually prepared before the Washington Park Urban Renewal Plan. They do not adequately carry out the purposes of the urban renewal plan. This report makes two main types of proposals regarding comprehensive rezoning in the project area: (1) it proposes changes in the zoning district map and (2) it proposes amendments in the zoning code in order to better carry out the objectives of the urban renewal plan. There are four main objectives to be accomplished by this comprehensive rezoning:

(1) Within parcels owned by the Redevelopment Authority called "urban renewal parcels", this zoning plan will change the district map in order that those parcels can be redeveloped according to plan. There are approximately 46 such parcels yet to be granted building permits which need such rezoning.

(2) The second objective within urban renewal parcels is to better accommodate the zoning code with the urban renewal design review process. Since both the zoning code and the design review process attempt to establish standards for new construction, these two institutions must work in a coordinated fashion.

(3) In rehabilitation areas, that is those parts of the project area which will not be acquired and resold by the Redevelopment Authority, this zoning plan proposes to amend the zoning district map to allow orderly changes in the land use and building pattern. For example, there are 5 existing shopping areas which are sound and should be zoned for commercial purposes to allow natural changes of use and expansion.

(4) Another objective within rehabilitation areas is to permit and encourage the razing, reconstruction, and rehabilitation of present dwelling units on a lot-by-lot basis by private owners and builders as these dwellings become obsolete. This should be a continuous process so that the area will constantly, automatically renew and regenerate itself. (Those parts of the city which cannot accomplish this self-regeneration eventually become urban renewal parcels requiring massive public redevelopment effort). The controls over this renewing and regenerating process should be written to continue the general pattern of density and building bulk now typical there, so that new buildings are accepted easily and naturally by the community.

Consequences of Not Rezoning

If the comprehensive rezoning plan is not adopted, this important redevelopment and rehabilitation effort will be delayed and obstructed in the following ways:

1. Piecemeal rezoning of urban renewal parcels will be necessary from time to time - often causing delays to construction and holding up badly needed new housing.

2. Even if urban renewal parcels are rezoned using present zoning districts without changing the Zoning Code as proposed in this report, there will be additional delays and administrative costs required to get variances from the Board of Appeal. Experience during the past year has shown that a variance, and in some cases many variances, are required for each new housing or commercial project built in a redevelopment area. Variances are necessary because, and explained above, the design review process and the zoning code are at present uncoordinated.

3. Another consequence of retaining the present zoning code within the project area will be to delay and frustrate private reconstruction and expansion of dwellings. The owners of many dwellings on small lots within the project area could not replace their dwellings under the present Zoning Code. Many other owners could replace their dwellings only by seeking a variance from the Board of Appeal.

Existing and Proposed Districts for the Zoning Plan

The proposed zoning plan will use seven zoning districts to carry out its purposes. Four of these districts are available in the present Zoning Code and three of the districts are new proposals to be added to the Zoning Code for use on the Washington Park zoning district map. The new districts can be extended to other parts of the City by subsequent Zoning Commission action. A list of the seven zoning districts, the purposes of each, and the manner of use within the project area follows:

The M-1 restricted manufacturing district. This district is available within the present Zoning Code. It will be used in the Dudley Circle area to allow expansion of an industrial plant with new buildings and adequate parking.

The B-1 general business district. This district is available within the present Zoning Code, and will be used in four places in the proposed Washington Park zoning plan. B-1 is appropriate for existing commercial centers: one near the Egleston Square transit stop in the southwest corner of the project area, the other being the Grove Hall commercial center at Blue Hill Avenue and Warren Avenue. The B-1 District will accommodate a large new shopping center now under construction at Washington Park Boulevard and Warren Avenue. Another urban renewal commercial development will need B-1 commercial zoning at Washington Avenue and Washington Park Boulevard.

The L-1 local business district. This district is available in the present Zoning Code. It will be used in four places in the proposed zoning plan. Three of these places are present neighborhood commercial centers which will be encouraged to continue under the protection of L-1 zoning. One of these is approximately two blocks in length recognizing a busy neighborhood shopping area on Humboldt Avenue.

A second existing neighborhood commercial ribbon recognized by L-1 zoning is found along Warren Avenue at its intersection with Elm Hill Avenue. A third L-1 commercial area is at the Joseph Warren Square - this is a large apartment building having shops at the ground floor. The L-1 zoning is also being used to allow development for new neighborhood commercial outlets along Humboldt Avenue at Harrishof Street.

H-3 apartment district. This district is available in the present Zoning Code. It permits an apartment building having three times the amount of floor area as lot area. The apartment building for the elderly to be built on Washington Park Boulevard will be zoned H-3.

The J-2 urban residential district. This is one of the three new districts proposed for the Zoning Code. It permits a richer mixture of non-residential uses than any of the other residential districts of the Code. It will be used to allow a new apartment project in the southwest part of the project area along Columbus Avenue adjacent to the Egleston Square transit stop. J-2 zoning is also well suited for use along busy major streets. Two of these are Columbus Avenue and Seaver Street at the western boundary of the project area. Another is Blue Hill Avenue and Warren Street on the east end of the project area. The third major street proposed for the J-2 district is Humboldt Avenue through the project area. Humboldt Avenue is a public transportation route, a main pedestrian corridor and familiar means of access to many of the shops, churches and housing groups within the new Washington Park area. Such streets will be popular for residential expansion as well as the non-residential uses that are permitted in J-2 district.

The proposed J-1 district. This district is proposed to be added to the Zoning Code. It features the same rich mixture of non-residential uses as the J-2 district but allows only half the amount of floor area per unit of lot area. Most of the redevelopment urban renewal parcels have been scheduled for J-1 zoning. Furthermore, two minor spine streets namely Walnut Avenue and Elm Hill Avenue are proposed for J-1 zoning.

The R-1 general residential district. The present Zoning Code has an R.5 district and an R.8 district. The Washington Park Zoning Plan proposes the addition of another R district having the same use requirements but different floor and building dimension requirements than the other present R district. The R-1 district is especially written for the needs of most of the rehabilitation housing within the Washington Park area. Such housing is generally on quiet residential streets rather than the spine streets which were considered appropriate for J zoning. The R district permits few non-residential uses thereby reserving these interior streets for family use. The

R-1 district has special bulk regulations written after measuring present lot sizes and housing placement in the Washington Park area. These regulations will encourage parcel by parcel neighborhood self-regeneration.

The bulk and use requirements of the three proposed zoning districts are summarized in the following table.

TABLE I:

SUMMARY OF PROPOSED R-1, J-1 and J-2 DISTRICTS

Bulk and Use Requirements

DISTRICT			F A R	Height STORIES	Height FEET	SIDE YARD	FRONT AND REAR YARD	OPEN SPACE/DWELLING	PARKING
R-1	GENERAL RESIDENTIAL	All dwelling types permitted. Such uses as lodging and boarding houses, hotels, day nursery, medical institutions, private clubs and trade schools prohibited, or permitted only by Board of Appeal action.	1	4*	45*	None, except adjacent to existing window.	10'*	400*	.9 space/D.U.*
		Minor business, service and retail uses allowed for convenience of residents within housing developments on Urban Renewal lots.							
J-1	URBAN RESIDENTIAL	All dwelling types permitted. Such uses as lodging and boarding houses, hotels, day nursery, medical institutions, private clubs and trade schools permitted.	1	4*	45*		10'*	400*	.9 space/D.U.*
J-2			2	None		None, except adjacent to existing window.	10'*	150*	.7 space/D.U.*

*Does not apply to urban renewal lot. On such lots these items will be controlled by the Urban Renewal Design Review Process.

FEATURES OF THE PROPOSED DISTRICTS

The three new zoning districts (J-2, J-1, R-1) proposed to be added to the Zoning Code to further redevelopment objectives in the Washington Park project area introduce four important zoning concepts which should be explained further. These concepts are:

(1) The accommodation of the Zoning Code to urban renewal design review processes.

(2) Small commercial uses permitted within redevelopment housing projects.

(3) Non-residential uses permitted within the J Districts.

(4) Bulk regulations of the J-2, J-1, and R-1 Districts within rehabilitation areas.

(1) The accommodation of the Zoning Code to urban renewal design review processes.

"Design review consists of scrutiny of a redeveloper's plans by a review panel to insure that the plans meet and carry out project design objectives, and the panel's subsequent recommendations to the renewal agency for approval or disapproval. These actions are backed up by the local planning agency's day-to-day coordination and advisory services which develop an impact in many ways more important than the formal review process."

"As a matter of course, redevelopers' plans must be approved by the Local Public Agency. Often this requirement gets little emphasis since ordinarily it is concerned only with making sure that the redeveloper's plans conform to the Urban Renewal Plan. However, the official documents may contain design objectives and provisions for design review. When this review is based on expert professional evaluation, and when it is coupled with advisory services and coordinating efforts, it becomes the complete process"..

These paragraphs are from the Federal Urban Renewal Administration Technical Guide No. 15.

Technical Guide No. 16 explains the need for accommodating the zoning code to the design review process. "Many past problems of urban renewal land use control stem from a lack of understanding of the special opportunities for creative regulation afforded by the renewal process. Experience with the public regulations of land use is limited largely to "police power" controls under zoning and subdivision regulations. Such controls are founded upon

the twin principles of uniformity of application and withholding development rights - and thus influencing land value - only where public health, safety, morals or general welfare is threatened."

"Land Use Control in urban renewal starts from a sharply different premise. The requirements that land be valued for its planned uses automatically recognizes the impact of Plan Controls on potential development rights. The appraisal and disposition processes take into account any effect on land value. Thus the nature and intensity of controls need not be limited by a concern which restricts the exercise of "police power" zoning and subdivision regulations. For the same reason, there is no requirement for uniform application throughout a project area. Each parcel may be controlled independently and its value determined accordingly. Thus, Urban Renewal Plan controls and design objectives may be tailored to fit the specific purposes and goals of each project and each tract within the project."

The Zoning Code specifies recisely such matters as minimum lot size, lot width, height of building, usable open space, front yard, side yard, rear yard, setback of parapets; amount of rear yard to be occupied by accessory buildings, off-street parking requirements, etc. On the other hand, experience rapidly being gained in Boston and other cities with the control of new construction in urban renewal parcels points to a different control strategy.

For example, the design review process may ask the developer to create profiles by means of building towers which have a distinctive silhouette, or to form a visual terminus to certain main streets, or to be a cohesive architectural group yet allow each building to be separately identifiable, to take advantage of the panoramic views from the site, to relate to one another in such a way as to ensure privacy, light and air for each dwelling. Experience with design review is beginning to show that such general objectives produce better design than specific zoning code type regulations.

William L. Slayton, Federal Urban Renewal Administrator, stated six years ago that traditional zoning is an obstacle to effective redevelopment.

"The antiquity of the average city's planning law and procedures creates an obstacle to urban renewal that frequently prohibits the attainment of the urban renewal objective. Zoning is the major villain. Designed to meet the planning objectives of the thirties and written for the single lot and its protection from adjacent users, it is unsuited for the planned renewal area. Zoning is a major stumbling block to achieving the objectives of large scale urban renewal.

. . .The cumbersome side yard requirements, setbacks, building envelope, space between buildings, and so forth, dictate the design of these areas, rather than the designer.

Good design in these redevelopment areas has been achieved in spite of the zoning ordinance by various means, usually by appeal to the Board of Appeal or its counterpart. In some instances, the zoning ordinances have been amended to permit the design proposed.

In Washington, D.C., the redevelopment plan takes precedence over the zoning ordinance." page 807, Law and Contemporary Problems, Autumn 1960.

There is abundant authority from Chapter 121 of the General Laws of Massachusetts for writing zoning Codes to further renewal goals. The following quotations from that statute and references to Massachusetts cases establish that the urban renewal statute and zoning statute should be read together. In Massachusetts zoning should further urban renewal as well as zoning purposes.

Massachusetts urban renewal legislation (Chapter 121 of General Laws) was clearly intended to be read together with zoning legislation. Some of the many sections disclosing this intention follow:

"It is hereby declared that there exists in certain cities and towns in this commonwealth substandard, decadent or blighted open areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the commonwealth. . ."

The legislature intends urban renewal matters to be treated with urgency in the commonwealth.

"Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project...which plan (2) shall indicate...zoning and planning changes, if any..."

Section 26ZZ. This section shows that zoning changes are part of urban renewal planning, and share its urgency.

"Any city or town or other public body is hereby authorized to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in an area in which such city or town or public body is authorized to act." 26BBB.

"A city or town, or the appropriate board or officer thereof on behalf of such city or town, may upon such terms, and with or without consideration, do or agree to do any or all of the following things. . .

(d)..establish exceptions to existing ordinances and by-laws regulating the design, construction and use of buildings;...

(j)Do any and all other things authorized by law and necessary or convenient to aid the planning, construction or operation of a housing project within its limits." 26EE.

The latter is the section quoted by Wilkins, C.J. in Russell vs. Zoning Board of Appeals of Brookline, decided in June 1965 by the Supreme Judicial Court.

The Supreme Court in the Brookline case declared illegal the practice, still common in Boston, of using the Board of Appeal hardship variance power as a means to reconciling urban renewal and zoning, where the local body having zoning code amending power has not expressly delegated to the Board of Appeal power over urban renewal matters. But the Supreme Court in the Brookline case clearly stated that a zoning code in Massachusetts could be amended to further urban renewal objectives. Such an amendment might be the delegation of zoning powers.

"A redevelopment or housing authority is hereby authorized to delegate to a city or town or other public body or to any board or officer of such city, town or other public body or to any officer the powers or functions of the authority with respect to the planning or undertaking of an urban renewal project..." 26BBB.

This section declares that the Zoning Commission and the Board of Appeals in enacting and exercising the amendment proposed here are clothed with redevelopment powers, in addition to zoning powers.

The following section gives additional strength to the last-cited section:

"A redevelopment authority shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects..." 26AAA.

The principle that two pieces of legislation should be interpreted so they will operate together has been declared many times by Massachusetts courts. "A court has the duty to construe various statutory provisions touching on a point in issue with due regard to all of them as to give a practical and workable effect to the whole, as far as practicable." School Committee of Gloucester vs. City of Gloucester, 85 NE2d 429, 424 Mass. 209 (1949). "In interpreting a statute in addition to the literal meaning of words, consideration should be given to the system of law of which it is a part and statutes of the commonwealth dealing with the same general subject." Commonwealth vs. Flynn, 188 NE627, 285 Mass. 136, 92 ALR 206 (1934).

Housing authority plans have been held relevant to show the reasonableness of a zoning designation. Lamaree vs. Commissioner of Public Works of Fall River, 87 NE2d 211, 324, Mass. 542 (1949). A redevelopment plan has been measured by whether it advances overall city planning: Worcester Knitting Realty Company vs. Worcester Housing Authority, 138 NE2d 356, 335 Mass. 19 (1956). In another case the court read Boston's zoning statute and its building department statute together. Real Properties vs. Board of Appeal of Boston, 42NE2d 339, 311 Mass. 430 (1942).

The Design Review Process in Boston

There are five key elements to the design review process as practiced by the Boston Redevelopment Authority:

(1) There is a design review section consisting of experienced and well-trained architects and city planners.

(2) The work of the design review section is backed up by a Design Advisory Committee of architects.

(3) The Boston Redevelopment members, themselves, often pass on design review matters at their meetings.

(4) Each developer of an urban renewal parcel is given a package of text and drawings instructing him about the general design review procedure and about the specific objectives of that parcel.

(5) The design review objectives are incorporated into the disposition agreement and into deed restrictions executed between the Redevelopment Authority and the owner of the redeveloped site. These agreement and deed provisions include procedures for subsequent changes in land use and structures for forty years after redevelopment has been completed.

The important provisions of the new J-2, J-1 and R-1 districts regarding accommodation of the zoning code to urban renewal design review process is the following: the uses permitted on the sites and the maximum floor area ratio will be regulated by the zoning code. Bulk dimensions, such as yards, heights, open space per dwelling unit, will be regulated by the design review process. Parking requirements will also be regulated by means of design review. The latter is necessary because within some housing projects in urban renewal parcels all or some of the parking is provided by the City of Boston. It is also expected that there will be small urban renewal parcels where parking along the curb will be adequate. A redeveloper will sometimes be required to provide more parking than Zoning Code standards.

(2) Small commercial uses permitted within redevelopment housing project. Current housing design practices call for the inclusion of small shops for the convenience of residents within such projects. The Boston Zoning Code permits such convenience shops but the code is written too narrowly for urban renewal purposes. The present code provision anticipates that the housing project will be one large building when, in fact, the typical urban renewal project is a family of garden apartment buildings. Therefore, a Zoning Code change is proposed in order to better accommodate such minor commercial uses within urban renewal housing. An example of the kind of convenience shops that fit well within urban renewal housing projects can be seen in the Acadamy Homes project which has small commercial outlets along Columbus Avenue. There are convenience shops in the Charles River Park apartments within the West End urban renewal project.

(3) Non-residential uses permitted within the J District. Within the present Zoning Code the R residential zoning district allows few non-residential uses. A few more types of non-residential uses are allowed in the H District. The proposed J district permits an additional variety of non-residential uses which are either prohibited or allowed only conditionally within the present R and H districts. It is anticipated that non-residential uses will be needed both within urban renewal housing projects and along the major and neighborhood spine streets within the project area. If these areas were zoned for R or H rather than J district, the result would be both to surpress new non-residential uses needed for the convenience of the neighborhood, and the throwing of additional variance cases onto the already hard-pressed Board of Appeal. During 1965 the Board of Appeal heard over 400 zoning cases.

Non-residential uses permitted within the J district but excluded or allowed only conditionally within the H district include dormitories, fraternities, hotels, day nurseries, trade schools, utility stations, certain types of parking uses and the keeping of small birds and animals. Every neighborhood needs such non-residential uses outside its commercial districts. Within the Washington Park project area it has been decided that such uses should be located along major streets and spine streets, which are the main travel paths of neighborhood residents.

(4) Proposed Bulk Regulations of the J-2, J-1 and R-1 District within rehabilitation areas. The bulk requirements of these zoning districts will regulate the lot by lot extension and replacement of buildings through the years within the project area. The bulk dimensions were derived by a careful measurement of the housing that remains to be rehabilitated and conserved within the Washington Park area. Measurements show that most of the front yards within the project area are less than 20 feet in depth - 10 feet is a typical front yard size. On the basis of this study, the proposed regulations will require a 10 foot front yard.

Similar measurements showed that a 10 foot rear yard is appropriate for the area. Many dwellings within the project area are now built along their lot lines and many lots are quite narrow. For this reason, the proposed bulk regulations do not require a side yard except as is necessary to protect the daylight and sunlight needs of existing windows on adjacent parcels. These measurements of rehabilitation lots show that there are three typical lot sizes; namely, 60'x30'; 100'x50'; and 130'x60'. The proposed R-1 and J-1 regulations would allow one, or possibly two, dwellings to be built on a 60'x30' lot. If, on the other hand, these lots are retained in their present R.8 or H1 zoning, no new dwellings would be permitted on such lots without variances granted by the Board of Appeal. In the case of the 100'x50' typical lot size, the proposed R-1 and J-1 district would permit a maximum of 5 dwelling units on such a lot. It is likely that an owner building a new residential structure would put even fewer than 5 dwellings on such a lot. He would use the proposed R-1 or J-1 regulations to give him greater choice in the location and arrangement of the dwellings on the lot. If, instead, the R-.8 or the H-1 zoning districts were continued on such lots, the owner would be severely limited because of the 20' front yard and 30 or 40' rear yard requirement, and the lot area per dwelling unit requirements of these zoning districts. The owner of the typical 130'x60' lot within the Washington Park project area would have much greater flexibility in locating new dwellings under the proposed R-1 and J-1 zoning than under the existing R-.8 and H-1 zoning.

RELATION BETWEEN THIS ZONING PLAN AND
THE 1963 URBAN RENEWAL PLAN FOR
WASHINGTON PARK.

Section 202 (of the Urban Renewal Plan).

This zoning plan for Washington Park was written with four of the "Specific Planning and Design Objectives" of Section 202 in mind. These are: "(1) to improve the quality, condition and maintenance of existing individual property to a level which achieves decent, safe and sanitary housing through rehabilitation; (7) to provide for livable homes in livable neighborhoods; (10) to encourage the productive use of land; (11) to provide for the housing needs of low and moderate-income families; and (12) to create new opportunities for private reinvestment and rebuilding, particularly in the form of moderate density, sound and economically-constructed housing of maximum architectural quality." The proposed R-1 and J-1 districts of this Zoning Plan for Washington Park were tailor-made for that area, being derived by measurement of actual lot sizes and building dimensions found there now.

Section 302: Clearance and Redevelopment Activities

"(6) the disposition of land and other property, for uses in accordance with the building requirements, land use and other provisions of the Urban Renewal Plan." The proposed Zoning Plan fulfills this section of the Urban Renewal Plan by deferring many conventional zoning controls within urban renewal parcels to the "building requirements, land use and other provisions of the Urban Renewal Plan."

Section 403: Use of Property Acquired Under Special Conditions

This Zoning Plan anticipates that individual lots will be acquired in random locations within the project area by the Boston Redevelopment Authority. This zoning plan provides that the urban renewal design review process will establish most of the land use controls influencing resale and reuse of these lots. Because these lots will often be of peculiar shape and therefore not amenable to specific yard, building bulk and parking controls, and furthermore because the building requirements for these lots will be in the expert hands of BRA architects and planners, minimum zoning controls are imposed on them: only use requirements and FAR will be established through zoning on such lots.

Urban Renewal Parcels

The Urban Renewal Plan Section 602 describes proposed land use and maximum dimensions for over fifty urban renewal parcels. The proposed zoning map and regulations will permit each of these urban renewal parcels to be

developed according to plan. For a few parcels there is an apparent conflict between controls of the Urban Renewal Plan and those of the proposed zoning plan. These conflicts and their explanations are set out below:

PROPOSED ZONING BY URBAN RENEWAL PARCEL

Parcel	Zoning	Remarks
C2-C3	J-1	Urban Renewal Plan lists commercial option. Sites actually built as housing.
C5b D	J-1 J-3	Now intended for housing though Urban Renewal plan has commercial option.
F2	L-1	Table A of Urban Renewal Plan calls for 40' height here. L-1 zoning allows only 35'. There is no conflict because buildings on F2 are less than 35'.
F4	J-1	Urban Renewal Plan has commercial option but this site is now intended for housing. J-1 allows minor commercial within housing.
G2	J-	Urban Renewal Plan calls for commercial. Present intention is residential.
G5	J-3	Now Planned for housing as part of D site, though Urban Renewal Plan has commercial use.
I4	J-1	Urban Renewal Plan calls for residential and commercial. Latter might require L-1 zoning.

Section 902: Identification of Districts

This section of the Urban Renewal Plan incorporates a map showing proposed zoning districts. The Zoning Code containing these districts was replaced by a new Zoning Code and district map on December 31, 1964. Zoning Districts imposed on the project area at that time were not consciously prepared to be responsive to the Urban Renewal Plan for Washington Park. They were in fact prepared by consultants before the Urban Renewal Plan was adopted. This Zoning Plan was prepared specifically to implement the Urban Renewal Plan. Section 902 of the Urban Renewal Plan anticipated that this might occur, and stated that zoning districts prepared specifically for the project area shall be "consistent with" those districts shown in the map attached to the Urban Renewal Plan. The following paragraphs are a detailed comparison of the land use and dimensional requirements shown on the district map attached to the Urban Renewal Plan, and the district map proposed according to this plan.

Map 3 of the 1963 Urban Renewal Plan entitled ZONE DISTRICT CHANGES PLAN, (herein called Renewal Plan Zoning) has the following districts, compared to those of this zoning plan.

Renewal Plan Zoning	1966 Zoning Plan
Residential Districts	**Residential Districts**
GR 40' (General Residence District -40' height)	R-1 (General Residence District-FAR of one)
GR 65'	J-1 (Urban residence District-FAR of one or two)
GR 80'	J-2 (Urban residence District-FAR of one or two)
GR 155'	
Business Districts	**Business Districts**
LB 40' (Local Business-40' height)	L-1 (Local Business-FAR of one)
GB 65' (General Business 65' height)	B-1 (General Business-FAR of one)
Manufacturing	**Manufacturing**
None	M-1 (Restricted - Manufacturing-FAR of one)

TABLE 2: RESIDENTIAL ZONING DISTRICTS PROPOSED BY MAP 3 OF THE 1963 URBAN RENEWAL PLAN FOR WASHINGTON PARK

DISTRICT	HEIGHT	REAR YARD	SIDE YARD	FRONT YARD	MAXIMUM BUILDING ARE
GR 40	40'-3 stories	20'	6'	10	60%
GR 65	65'-6 stories	10'	None	Same as adjacent buildings, but no more than 10'.	70%
GR 80	80'	10'	None	Same as adjacent buildings, but no more than 10'.	80%
GR 155	155'	None	None	None	100%

GR means General Residential. Permitted uses are all types of dwellings; social clubs or recreational buildings; hotels; and(with permission of Building Commissioner) medical offices.

Note: The Zoning Code containing these districts was replaced by a new Boston Zoning Code on December 31, 1964.

Dimensional Requirements anticipated by residential Renewal Plan Zoning districts are shown on Table 2. This should be compared with Table 1 which summarizes the use and bulk requirements of this Zoning Plan. Section 902 of the Urban Renewal Plan for Washington Park has this to say about Renewal Plan zoning: "In the event that a zoning code for the City of Boston is enacted pursuant to Chapter 665 of the Acts of 1956, as amended, zone districts shall be consistent with the types of zoning controls imposed in districts as shown on (the Renewal Plan Zoning Map)".

Are the zone districts of this Zoning Plan consistent with Renewal Plan Zoning?

Residential Districts

Note from the table on the previous page that residential districts called for by Renewal Plan Zoning established rear yards of 20' or 10', and front yards of 10'. These are medium density districts, particularly the GR 40, GR 65 and GR 80. This Zoning Plan proposes R-1 and J-1 Districts for most of Washington Park. These districts call for front and rear yards of 10', and are medium density districts. The proposed R-1 and J-1 Districts are more consistent with Renewal Plan Zoning than any other districts of the Boston Zoning Code would be. The R.8 and H-1 Districts which have been in effect in Washington Park since December 31, 1964 are not consistent with the Urban Renewal Zoning, because these districts require front yards of 20' and rear yards of 30' and 40'.

Renewal Plan Zoning calls for GR 155' for the Bartlett Street Garage site, and the E and D sites. The Urban Renewal Plan calls for an FAR of 1.0 for the Bartlett Street site and the E site, and an FAR of 2.0 for the D site. This Zoning Plan is consistent with this by proposing J-1 for the Bartlett Street site and the E site, and J-2 for the D site. J-1 zoning for the E site and J-2 zoning for the D site permit the urban renewal design review process to operate freely to accomplish the development on these sites in the manner set out in the Urban Renewal Plan.

Business Districts

The L-1 and B-1 zoning of this plan are consistent with the LB40 and GB 65 districts of the Renewal Plan Zoning. The FAR of 1.0 is consistent with the low density 40' and 65' height districts of the Renewal Plan Zoning. The LB District and the L District are both neighborhood commercial districts in terms of allowed uses. The GB and B Districts are both general business districts in terms of use.

Manufacturing Districts

This Zoning Plan calls for M-1 manufacturing district zoning for the G-1 site at Washington Street and Dudley Street. The Renewal Plan Zoning calls for GB 40 General Business district at that site. But Section 602, Table A, Item 14 of the Urban Renewal Plan which establishes standards for development of the G-1 site clearly calls for "Industrial" land use here. To zone the G-1 site for business rather than manufacturing in the 1966 Zoning Plan would be inconsistent with Section 602 of the Urban Renewal Plan. The proposed M-1 zoning (manufacturing)of this Zoning Plan is consistent with the Urban Renewal Plan Zoning when such zoning map is read together with the Urban Renewal Plan.

The Zoning District Map proposed herein when compared with the district map of the Urban Renewal Plan shows these differences, many of which were explained in previous paragraphs:

1. Zoning district lines of the Zoning Map proposed here follow lot lines. This clarifies the map shown in the Urban Renewal Plan, where district lines were drawn parallel to streets, cutting many lots in two.

2. The high-rise housing site which is part of the F-1 urban renewal parcel has been zoned H-3 and not commercial according to the Zoning Map proposed here.

3. The F-4 site has been changed to J-1 zoning on the Zoning Map proposed herein. The site was zoned commercial on the Urban Renewal Plan district map.

4. The G-1 site is zoned M-1 Manufacturing on the Zoning Map proposed here. It was zoned commercial on the Urban Renewal Plan district map.

5. Commercial zoning on the F-3 Urban Renewal Parcel has been enlarged by this Zoning Plan.

6. Residences on the east side of Hartwell Street are zoned J-1 on the 1966 Zoning Map. These were proposed for commercial zoning on the Urban Renewal Plan.

PROPOSED AMENDMENTS TO ADD
R-1, J-1, and J-2 Districts to the Zoning Code

Add to Section 2-1, Definitions:

"Urban Renewal Lot" is a parcel of land located within a present or former Land Assembly and Redevelopment Project, as defined by General Laws Chapter 121, Section 26J, and the lot is either owned by the Boston Redevelopment Authority at the time of the application for a building permit or was previously owned by the Boston Redevelopment Authority and is subject at the time of the application for a building permit to land use and dimensional requirements imposed by the Boston Redevelopment Authority.

Section 3-1 - Add J (Urban Residential) District to list of districts.

Section 3-1(a) - Add R-1, J-1 and J-2 to list.

Section 8-7 - Add J District to list of districts. (A) Allowed; (C) Conditional; and (F) Forbidden. Uses for the J District shall be as follows:

No.	Use Item (see Code for full description)	J District
1	(single family)	A
2	(semi-detached)	A
3	(row-house)	A
4	(two-family)	A
5	(semi-detached two family)	A
6	(row-house, two family)	A
7	(multi-family)	A

No.	Use Item (see Code for full description)	J District
8	(conversion)	A
9	(temporary dwelling)	C
10	(lodging, boarding house)	A
11-13	(dormitories)	A
14	(fraternity)	A
15	(hotel)	A
16	(educational)	A
17	(day nursery)	A
18	(trade school)	A
19	(machine shop-accessory to school)	A
20	(library, museum)	A
21	(place of worship)	A
22	(hospital, etc.)	A
23	(certain hospitals)	C
24	(laboratories)	A*
25	(penal institution)	C
26	(cemetery, etc. a. b. c. d.)	A*
27	(park)	A*
28	(private playground)	A
29	(adult education center building,etc.)	A
30	(private club)	A
31	(utility station)	A
32	(telephone exchange)	A

*Refers to conditions set out in the zoning code.

No.	Use Item (see Code for full description)	J District
33	(fire or police)	A
34	(retail business)	F
35	(department store)	F
36	(auto sales)	F
37	(restaurant)	F
38	(tavern)	F
39	(professional office)	F
40	(real estate, etc.)	F
41	(office building)	F
42	(office of wholesale)	F
43	(barber shop, etc.)	F
44	(tailor shop, etc.)	F
45	(laundry)	F
46	(caterer)	F
47	(funeral home)	F
48	(research lab)	F
49	(animal hospital)	F
50	(drive-in restaurant)	F
51	(outdoor sales)	F
52	(drive-in theatre)	F
53	(trailer park)	C
54	(wholesale business)	F
55	(outdoor storage of materials)	F
56	(warehouse)	F
57	(outdoor storage of used material)	F

No.	Use Item (see Code for full description	J District
58	(parking lot)	A
59	(parking garage)	A*
60	(repair and service station)	F
61	(rental agency for vehicles)	F
62	(bus terminal)	F
63	(railroad station)	F
64	(motor freight terminal)	F
65	(water freight terminal)	F
66	(helicopter landing)	F
67	(airport)	F
68	(industrial uses)	F
69	(waterfront industrial uses)	F
70	(heavy industrial uses)	F
71	(ancillary use)	A*
72	(accessory use: garage)	A
73	(accessory use: professional office as home occupation)	A
74	(accessory use: occupation for profit)	A
75	(accessory use: animals)	A
76	(birds and small animals)	A*
77	(laboratory animals)	A*
78	(small shops & services in apartment and hotels)	A
79	(incidental services with certain institutions)	A

*Refers to conditions set out in the zoning code.

No.	Use Item (see Code for full description)	J District
80	(accessory storage of flammable)	A
81	(manufacturing, assembling or packaging of products sold on lot)	F
82	(repair garage)	F
83	(dwelling for operating personnel)	A
84	(non-residential use lawful in I District)	F
85	(ordinary incidental and ancillary use)	A

Add the following use to the list of uses in Section 8-7.

"As an accessory use subject to the limitations and restrictions of Article 10, Section 10-1 within housing developments located on urban renewal lots business uses such as a food store, drug store, physician or dentist office, barber shop or restaurant when such uses are intended primarily for the convenience of residents of such housing."

S	R	H	J	L	B	M	I	W
F	A*	F	A	A	A	A	A	A

*Within the R-1 District.

Section 13-5. Supplement to Table B: Dimensional Regulations for the R-1 and J Districts.

(a) This section shall be part of Section 13-1, Table B for purposes of Articles 15 through 20, and Articles 22 and 23. For the R-1 and J Districts the maximum floor area ratio, maximum height of buildings, minimum usable open space per dwelling unit, and minimum front, side and rear yards shall be as set out in Section 13-5 below. All of the requirements of Article 13 through 23 shall apply to the R-1 and J Districts except Article 14, and Section 15-2 through 15-6 of Article 15. None of the requirements of Articles 13 through 23

shall apply to urban renewal lots within the R-1 and J Districts, except Sections 13-5 and 15-1 of Articles 13 and 15. All other Articles of this code including Article 8 shall apply to such urban renewal lots within the R-1 and J Districts.

(b) Floor Area Ratio, maximum. Within the R-1 and J Districts the Maximum Floor Area Ratio shall be as follows:

District	Floor Area Ratio
R-1, J-1	1
J-2	2

In no case shall the maximum floor area ratio exceed the above limits. Section 15-2 through 15-5 shall not apply to the R-1 and J Districts.

(c) Height of Buildings, maximum. Within the R-1 and J Districts the Maximum Height of Buildings shall be as follows:

District	Height		(Neither may be exceeded)
	Stories	Feet	
R-1*, J-1*	4	45	
J-2	No Limit.		

*Exception - When the parcel is an urban renewal lot within the R-1 and J-1 District there shall be no height limit.

(d) Usable Open Space, minimum square feet per dwelling unit. Within the R-1 and J District the minimum usable open space per dwelling unit shall be as follows:

District	Square Feet of Open Space per Dwelling
R-1*, J-1*	400
J-2*	150

*No minimum usable open space per dwelling is required on an urban lot within the R-1 and J District.

(e) Front Yard. Within the R-1 and J Districts there shall be a minimum front yard of ten feet. No front yard is required on urban renewal lots within the R-1 and J Districts.

(f) Side Yard. Within the R-1 and J Districts the minimum side yard shall be as follows:

No side yard is required except along a lot line adjacent to a lot which at the time of the application for a building permit contains a building having a window generally parallel to the lot line and less than ten feet from such lot line. In such a case, a side yard shall be provided at least ten feet from the window. This section shall apply only to a transparent window used by the occupants of the building for light, air or view. This section shall not apply to an urban renewal lot within the R-1, R-2 or J Districts.

(g) Rear Yard. Within the R-1 and J Districts there shall be a minimum rear yard of ten feet. No rear yard is required on urban renewal lots within the R-1 and J Districts.

In the following sections, change all references to the "S, R and H" District, to read "S, R, H and S" districts.

13-4
14-5
19-3
19-5
19-8
20-5
22-1